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7 CITY OF TORRANCE, OFFICER ARTURO
CASTILLO, OFFICER CODY WISSLER,
OFFICER JESUS GARCIA and OFFICER
8 JASON BERMUDEZ

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11
12 MARIA GUADALUPE DIAZ; A.D., a minor by and through his Guardian Ad Litem, MARIA GUADALUPE DIAZ; A.D., a minor by and through his Guardian Ad Litem, MARIA GUADALUPE DIAZ; LEONARDO DIAZ; and RAMONA RAMIREZ DE DIAZ,

13 Plaintiffs,

14 v.
15 CITY OF TORRANCE; ARTURO CASTILLO; CODY WISSLER; JESUS GARCIA; JASON BERMUDEZ; and DOES 6-10, inclusive,

16 Defendants.

17 Case No. 2:25-cv-03389-JLS(JCx)

18 *Assigned for all Purposes to:
Hon. Josephine L. Staton
Courtroom 8A*

19 **DEFENDANTS CITY OF
TORRANCE, OFFICER ARTURO
CASTILLO, OFFICER CODY
WISSLER, OFFICER JESUS
GARCIA AND OFFICER JASON
BERMUDEZ'S ANSWER TO
PLAINTIFFS' FIRST AMENDED
COMPLAINT; DEMAND FOR
JURY TRIAL**

20 Action filed: 04/17/25

1 **ANSWER TO FIRST AMENDED COMPLAINT FOR DAMAGES**

2 Answering Plaintiffs' First Amended Complaint for Damages for (1)
3 Unreasonable Search and Seizure – Excessive Force (42 U.S.C. §1983); (2)
4 Unreasonable Search and Seizure – Denial of Medical Care (42 U.S.C. §1983); (3)
5 Substantive Due Process (42 U.S.C. §1983); (4) Battery (Wrongful Death and
6 Survival Damages); (5) Negligence (Wrongful Death and Survival Damages); and
7 (6) Violation of Bane Act (Cal. Civil Code §52.1) ("First Amended Complaint"),
8 Defendants City of Torrance, Officer Arturo Castillo, Officer Cody Wissler, Officer
9 Jesus Garcia and Officer Jason Bermudez ("Defendants") admit, deny, and allege
10 as follows:

11 **INTRODUCTION**

12 1. Answering paragraph 1 of the First Amended Complaint, Defendants
13 deny that Defendants or any of Defendants' peace officers engaged in any
14 unlawful acts or omissions or misconduct involving Leonardo Diaz ("Decedent")
15 or Plaintiffs, and Defendants deny all liability. As to all remaining allegations in
16 paragraph 1, Defendants lack sufficient information and belief upon which to
17 answer the allegations contained therein, and on that basis deny the allegations.

18 2. Answering paragraph 2 of the First Amended Complaint, Defendants
19 deny that Defendants or any of Defendants' peace officers engaged in any
20 unlawful acts or omissions or misconduct involving Leonardo Diaz ("Decedent")
21 or Plaintiffs, and Defendants deny all liability. As to all remaining allegations in
22 paragraph 2, Defendants lack sufficient information and belief upon which to
23 answer the allegations contained therein, and on that basis deny the allegations.

24 3. Answering paragraph 3 of the First Amended Complaint, Defendants
25 lack sufficient information and belief upon which to answer the allegations
26 contained therein, and on that basis deny the allegations.

27 4. Answering paragraph 4 of the First Amended Complaint, Defendants
28 deny that Defendants or any of Defendants' peace officers engaged in any

1 unlawful acts or omissions or misconduct involving Leonardo Diaz (“Decedent”)
2 or Plaintiffs, and Defendants deny all liability. As to all remaining allegations in
3 paragraph 4, Defendants lack sufficient information and belief upon which to
4 answer the allegations contained therein, and on that basis deny the allegations.

5 5. Answering paragraph 5 of the First Amended Complaint, Defendants
6 deny that Defendants or any of Defendants’ peace officers engaged in any
7 unlawful acts or omissions or misconduct involving Leonardo Diaz (“Decedent”)
8 or Plaintiffs, and Defendants deny all liability. As to all remaining allegations in
9 paragraph 5, Defendants lack sufficient information and belief upon which to
10 answer the allegations contained therein, and on that basis deny the allegations.

11 6. Answering paragraph 6 of the First Amended Complaint, Defendants
12 deny that Defendants or any of Defendants’ peace officers engaged in any
13 unlawful acts or omissions or misconduct involving Leonardo Diaz (“Decedent”)
14 or Plaintiffs, and Defendants deny all liability. As to all remaining allegations in
15 paragraph 6, Defendants lack sufficient information and belief upon which to
16 answer the allegations contained therein, and on that basis deny the allegations.

17 7. Answering paragraph 7 of the First Amended Complaint, Defendants
18 deny that Defendants or any of Defendants’ peace officers engaged in any
19 unlawful acts or omissions or misconduct involving Leonardo Diaz (“Decedent”)
20 or Plaintiffs, and Defendants deny all liability. As to all remaining allegations in
21 paragraph 7, Defendants lack sufficient information and belief upon which to
22 answer the allegations contained therein, and on that basis deny the allegations.

23 8. Answering paragraph 8 of the First Amended Complaint, Defendants
24 deny that Defendants or any of Defendants’ peace officers engaged in any
25 unlawful acts or omissions or misconduct involving Leonardo Diaz (“Decedent”)
26 or Plaintiffs, and Defendants deny all liability. As to all remaining allegations in
27 paragraph 8, Defendants lack sufficient information and belief upon which to
28 answer the allegations contained therein, and on that basis deny the allegations.

1 9. Answering paragraph 9 of the First Amended Complaint, Defendants
2 admit that the City of Torrance is a public entity and that Defendant Officers
3 Arturo Castillo, Cody Wissler, Jesus Garcia, and Jason Bermudez, are employees
4 of the City of Torrance Police Department. Defendants deny that Defendants or
5 any of Defendants' peace officers engaged in any unlawful acts or omissions or
6 misconduct involving Leonardo Diaz ("Decedent") or Plaintiffs, and Defendants
7 deny all liability. As to all remaining allegations in paragraph 9, Defendants lack
8 sufficient information and belief upon which to answer the allegations contained
9 therein, and on that basis deny the allegations.

10 10. Answering paragraph 10 of the First Amended Complaint,
11 Defendants admit that Defendant Officers Arturo Castillo, Cody Wissler, Jesus
12 Garcia, and Jason Bermudez, are employees of the City of Torrance Police
13 Department. Defendants deny that Defendants or any of Defendants' peace
14 officers engaged in any unlawful acts or omissions or misconduct involving
15 Leonardo Diaz ("Decedent") or Plaintiffs, and Defendants deny all liability. As to
16 all remaining allegations in paragraph 10, Defendants lack sufficient information
17 and belief upon which to answer the allegations contained therein, and on that
18 basis deny the allegations.

19 11. Answering paragraph 11 of the First Amended Complaint,
20 Defendants admit that Defendant Officers Arturo Castillo, Cody Wissler, Jesus
21 Garcia, and Jason Bermudez, are employees of the City of Torrance Police
22 Department. As to all remaining allegations in paragraph 11, Defendants lack
23 sufficient information and belief upon which to answer the allegations contained
24 therein, and on that basis deny the allegations.

25 12. Answering paragraph 12 of the First Amended Complaint,
26 Defendants lack sufficient information and belief upon which to answer the
27 allegations contained therein, and on that basis deny the allegations.

28 13. Answering paragraph 13 of the First Amended Complaint,

1 Defendants lack sufficient information and belief upon which to answer the
2 allegations contained therein, and on that basis deny the allegations.

3 14. Answering paragraph 14 of the First Amended Complaint,
4 Defendants lack sufficient information and belief upon which to answer the
5 allegations contained therein, and on that basis deny the allegations.

6 15. Answering paragraph 15 of the First Amended Complaint,
7 Defendants lack sufficient information and belief upon which to answer the
8 allegations contained therein, and on that basis deny the allegations.

9 16. Answering paragraph 16 of the First Amended Complaint,
10 Defendants lack sufficient information and belief upon which to answer the
11 allegations contained therein, and on that basis deny the allegations.

JURISDICTION AND VENUE

13 17. Answering paragraph 17 of the First Amended Complaint,
14 Defendants admit that the Court may have jurisdiction over this action, but
15 Defendants reserve the right to challenge jurisdiction. Defendants deny that
16 Defendants or any of Defendants' peace officers engaged in any unlawful acts or
17 omissions or misconduct involving Leonardo Diaz ("Decedent") or Plaintiffs, and
18 Defendants deny all liability. As to all remaining allegations in paragraph 17,
19 Defendants lack sufficient information and belief upon which to answer the
20 allegations contained therein, and on that basis deny the allegations.

18. Answering paragraph 18 of the First Amended Complaint,
Defendants admit that the venue may be proper, but Defendants reserve the right
to challenge the propriety of venue. Defendants deny that Defendants or any of
Defendants' peace officers engaged in any unlawful acts or omissions or
misconduct involving Leonardo Diaz ("Decedent") or Plaintiffs, and Defendants
deny all liability. As to all remaining allegations in paragraph 18, Defendants lack
sufficient information and belief upon which to answer the allegations contained
therein, and on that basis deny the allegations.

1 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

2 19. Answering paragraph 19 of the First Amended Complaint which
3 incorporates by reference the allegations of other paragraphs of the First
4 Amended Complaint, Defendants, to the extent applicable, incorporates by
5 reference their respective admissions and denials to each such paragraph
6 enumerated above.

7 20. Answering paragraph 20 of the First Amended Complaint, Defendants deny that Defendants or any of Defendants' peace officers engaged in
8 any unlawful acts or omissions or misconduct involving Leonardo Diaz
9 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining
10 allegations in paragraph 20, Defendants lack sufficient information and belief
11 upon which to answer the allegations contained therein, and on that basis deny
12 the allegations.

14 21. Answering paragraph 21 of the First Amended Complaint, Defendants deny that Defendants or any of Defendants' peace officers engaged in
15 any unlawful acts or omissions or misconduct involving Leonardo Diaz
16 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining
17 allegations in paragraph 21, Defendants lack sufficient information and belief
18 upon which to answer the allegations contained therein, and on that basis deny
19 the allegations.

21 22. Answering paragraph 22 of the First Amended Complaint, Defendants deny that Defendants or any of Defendants' peace officers engaged in
22 any unlawful acts or omissions or misconduct involving Leonardo Diaz
23 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining
24 allegations in paragraph 22, Defendants lack sufficient information and belief
25 upon which to answer the allegations contained therein, and on that basis deny
26 the allegations.

28 23. Answering paragraph 23 of the First Amended Complaint,

1 Defendants deny that Defendants or any of Defendants' peace officers engaged in
2 any unlawful acts or omissions or misconduct involving Leonardo Diaz
3 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining
4 allegations in paragraph 23, Defendants lack sufficient information and belief
5 upon which to answer the allegations contained therein, and on that basis deny
6 the allegations.

7 24. Answering paragraph 24 of the First Amended Complaint,
8 Defendants deny that Defendants or any of Defendants' peace officers engaged in
9 any unlawful acts or omissions or misconduct involving Leonardo Diaz
10 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining
11 allegations in paragraph 24, Defendants lack sufficient information and belief
12 upon which to answer the allegations contained therein, and on that basis deny
13 the allegations.

14 25. Answering paragraph 25 of the First Amended Complaint,
15 Defendants deny that Defendants or any of Defendants' peace officers engaged in
16 any unlawful acts or omissions or misconduct involving Leonardo Diaz
17 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining
18 allegations in paragraph 25, Defendants deny the allegations.

19 26. Answering paragraph 26 of the First Amended Complaint,
20 Defendants deny that Defendants or any of Defendants' peace officers engaged in
21 any unlawful acts or omissions or misconduct involving Leonardo Diaz
22 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining
23 allegations in paragraph 26, Defendants deny the allegations.

24 27. Answering paragraph 27 of the First Amended Complaint,
25 Defendants deny that Defendants or any of Defendants' peace officers engaged in
26 any unlawful acts or omissions or misconduct involving Leonardo Diaz
27 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining
28 allegations in paragraph 27, Defendants deny the allegations.

28. Answering paragraph 28 of the First Amended Complaint, Defendants deny that Defendants or any of Defendants' peace officers engaged in any unlawful acts or omissions or misconduct involving Leonardo Diaz ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining allegations in paragraph 28, Defendants deny the allegations.

FIRST CLAIM FOR RELIEF

29. Answering paragraph 29 of the First Amended Complaint which incorporates by reference the allegations of other paragraphs of the First Amended Complaint, Defendants, to the extent applicable, incorporates by reference their respective admissions and denials to each such paragraph enumerated above.

30. Answering paragraph 30 of the First Amended Complaint, Defendants deny that Defendants or any of Defendants' peace officers engaged in any unlawful acts or omissions or misconduct involving Leonardo Diaz ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining allegations in paragraph 30, Defendants deny the allegations.

31. Answering paragraph 31 of the First Amended Complaint, Defendants deny that Defendants or any of Defendants' peace officers engaged in any unlawful acts or omissions or misconduct involving Leonardo Diaz ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining allegations in paragraph 31, Defendants deny the allegations.

32. Answering paragraph 32 of the First Amended Complaint, Defendants deny that Defendants or any of Defendants' peace officers engaged in any unlawful acts or omissions or misconduct involving Leonardo Diaz ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining allegations in paragraph 32, Defendants lack sufficient information and belief upon which to answer the allegations contained therein, and on that basis deny the allegations.

1 33. Answering paragraph 33 of the First Amended Complaint,
2 Defendants deny that Defendants or any of Defendants' peace officers engaged in
3 any unlawful acts or omissions or misconduct involving Leonardo Diaz
4 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining
5 allegations in paragraph 33, Defendants deny the allegations.

6 34. Answering paragraph 34 of the First Amended Complaint,
7 Defendants deny that Defendants or any of Defendants' peace officers engaged in
8 any unlawful acts or omissions or misconduct involving Leonardo Diaz
9 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining
10 allegations in paragraph 34, Defendants deny the allegations.

11 35. Answering paragraph 35 of the First Amended Complaint,
12 Defendants deny that Defendants or any of Defendants' peace officers engaged in
13 any unlawful acts or omissions or misconduct involving Leonardo Diaz
14 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining
15 allegations in paragraph 35, Defendants deny the allegations.

16 36. Answering paragraph 36 of the First Amended Complaint,
17 Defendants deny that Defendants or any of Defendants' peace officers engaged in
18 any unlawful acts or omissions or misconduct involving Leonardo Diaz
19 ("Decedent") or Plaintiffs, and Defendants deny all liability for any damages
20 (general, special, punitive, exemplary, or any other damages), penalties, fees,
21 interests, or costs of any kind, or for any relief of any kind from any of the
22 Defendants to Plaintiffs.

23 37. Answering paragraph 37 of the First Amended Complaint,
24 Defendants deny that Defendants or any of Defendants' peace officers engaged in
25 any unlawful acts or omissions or misconduct involving Leonardo Diaz
26 ("Decedent") or Plaintiffs, and Defendants deny all liability for any damages
27 (general, special, punitive, exemplary, or any other damages), penalties, fees,
28 interests, or costs of any kind, or for any relief of any kind from any of the

1 Defendants to Plaintiffs.

2 **SECOND CLAIM FOR RELIEF**

3 38. Answering paragraph 38 of the First Amended Complaint which
4 incorporates by reference the allegations of other paragraphs of the First
5 Amended Complaint, Defendants, to the extent applicable, incorporates by
6 reference their respective admissions and denials to each such paragraph
7 enumerated above.

8 39. Answering paragraph 39 of the First Amended Complaint,
9 Defendants deny that Defendants or any of Defendants' peace officers engaged in
10 any unlawful acts or omissions or misconduct involving Leonardo Diaz
11 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining
12 allegations in paragraph 39, Defendants lack sufficient information and belief
13 upon which to answer the allegations contained therein, and on that basis deny
14 the allegations.

15 40. Answering paragraph 40 of the First Amended Complaint,
16 Defendants deny that Defendants or any of Defendants' peace officers engaged in
17 any unlawful acts or omissions or misconduct involving Leonardo Diaz
18 ("Decedent") or Plaintiffs, and Defendants deny all liability for any damages
19 (general, special, punitive, exemplary, or any other damages), penalties, fees,
20 interests, or costs of any kind, or for any relief of any kind from any of the
21 Defendant to Plaintiffs.

22 41. Answering paragraph 41 of the First Amended Complaint,
23 Defendants deny that Defendants or any of Defendants' peace officers engaged in
24 any unlawful acts or omissions or misconduct involving Leonardo Diaz
25 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining
26 allegations in paragraph 41, Defendants deny the allegations.

27 42. Answering paragraph 42 of the First Amended Complaint,
28 Defendants deny that Defendants or any of Defendants' peace officers engaged in

any unlawful acts or omissions or misconduct involving Leonardo Diaz (“Decedent”) or Plaintiffs, and Defendants deny all liability. As to all remaining allegations in paragraph 42, Defendants deny the allegations.

4 43. Answering paragraph 43 of the First Amended Complaint,
5 Defendants deny that Defendants or any of Defendants' peace officers engaged in
6 any unlawful acts or omissions or misconduct involving Leonardo Diaz
7 ("Decedent") or Plaintiffs, and Defendants deny all liability for any damages
8 (general, special, punitive, exemplary, or any other damages), penalties, fees,
9 interests, or costs of any kind, or for any relief of any kind from any of the
10 Defendants to Plaintiffs.

11 44. Answering paragraph 44 of the First Amended Complaint,
12 Defendants deny that Defendants or any of Defendants' peace officers engaged in
13 any unlawful acts or omissions or misconduct involving Leonardo Diaz
14 ("Decedent") or Plaintiffs, and Defendants deny all liability for any damages
15 (general, special, punitive, exemplary, or any other damages), penalties, fees,
16 interests, or costs of any kind, or for any relief of any kind from any of the
17 Defendants to Plaintiffs.

18 45. Answering paragraph 45 of the First Amended Complaint,
19 Defendants deny that Defendants or any of Defendants' peace officers engaged in
20 any unlawful acts or omissions or misconduct involving Leonardo Diaz
21 ("Decedent") or Plaintiffs, and Defendants deny all liability for any damages
22 (general, special, punitive, exemplary, or any other damages), penalties, fees,
23 interests, or costs of any kind, or for any relief of any kind from any of the
24 Defendants to Plaintiffs

THIRD CLAIM FOR RELIEF

26 46. Answering paragraph 46 of the First Amended Complaint which
27 incorporates by reference the allegations of other paragraphs of the First
28 Amended Complaint, Defendants to the extent applicable, incorporates by

1 reference their respective admissions and denials to each such paragraph
2 enumerated above.

3 47. Answering paragraph 47 of the First Amended Complaint,
4 Defendants deny that Defendants or any of Defendants' peace officers engaged in
5 any unlawful acts or omissions or misconduct involving Leonardo Diaz
6 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining
7 allegations in paragraph 47, Defendants lack sufficient information and belief
8 upon which to answer the allegations contained therein, and on that basis deny
9 the allegations.

10 48. Answering paragraph 48 of the First Amended Complaint,
11 Defendants deny that Defendants or any of Defendants' peace officers engaged in
12 any unlawful acts or omissions or misconduct involving Leonardo Diaz
13 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining
14 allegations in paragraph 48, Defendants lack sufficient information and belief
15 upon which to answer the allegations contained therein, and on that basis deny
16 the allegations.

17 49. Answering paragraph 49 of the First Amended Complaint,
18 Defendants deny that Defendants or any of Defendants' peace officers engaged in
19 any unlawful acts or omissions or misconduct involving Leonardo Diaz
20 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining
21 allegations in paragraph 49, Defendants lack sufficient information and belief
22 upon which to answer the allegations contained therein, and on that basis deny
23 the allegations.

24 50. Answering paragraph 50 of the First Amended Complaint,
25 Defendants deny that Defendants or any of Defendants' peace officers engaged in
26 any unlawful acts or omissions or misconduct involving Leonardo Diaz
27 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining
28 allegations in paragraph 50, Defendants lack sufficient information and belief

1 upon which to answer the allegations contained therein, and on that basis deny
2 the allegations.

3 51. Answering paragraph 51 of the First Amended Complaint,
4 Defendants deny that Defendants or any of Defendants' peace officers engaged in
5 any unlawful acts or omissions or misconduct involving Leonardo Diaz
6 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining
7 allegations in paragraph 51, Defendants lack sufficient information and belief
8 upon which to answer the allegations contained therein, and on that basis deny
9 the allegations.

10 52. Answering paragraph 52 of the First Amended Complaint,
11 Defendants deny that Defendants or any of Defendants' peace officers engaged in
12 any unlawful acts or omissions or misconduct involving Leonardo Diaz
13 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining
14 allegations in paragraph 52, Defendants deny the allegations.

15 53. Answering paragraph 53 of the First Amended Complaint,
16 Defendants deny that Defendants or any of Defendants' peace officers engaged in
17 any unlawful acts or omissions or misconduct involving Leonardo Diaz
18 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining
19 allegations in paragraph 53, Defendants deny the allegations.

20 54. Answering paragraph 54 of the First Amended Complaint,
21 Defendants deny that Defendants or any of Defendants' peace officers engaged in
22 any unlawful acts or omissions or misconduct involving Leonardo Diaz
23 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining
24 allegations in paragraph 54, Defendants deny the allegations.

25 55. Answering paragraph 55 of the First Amended Complaint,
26 Defendants deny that Defendants or any of Defendants' peace officers engaged in
27 any unlawful acts or omissions or misconduct involving Leonardo Diaz
28 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining

1 allegations in paragraph 55, Defendants deny the allegations.

2 56. Answering paragraph 56 of the First Amended Complaint,
3 Defendants deny that Defendants or any of Defendants' peace officers engaged in
4 any unlawful acts or omissions or misconduct involving Leonardo Diaz
5 ("Decedent") or Plaintiffs, and Defendants deny all liability for any damages
6 (general, special, punitive, exemplary, or any other damages), penalties, fees,
7 interests, or costs of any kind, or for any relief of any kind from any of the
8 Defendants to Plaintiffs.

9 57. Answering paragraph 57 of the First Amended Complaint,
10 Defendants deny that Defendants engaged in any unlawful acts or omissions or
11 misconduct involving Leonardo Diaz ("Decedent") or Plaintiffs, and Defendants
12 deny all liability. As to all remaining allegations in paragraph 57, Defendants
13 deny the allegations.

14 58. Answering paragraph 58 of the First Amended Complaint,
15 Defendants deny that Defendants engaged in any unlawful acts or omissions or
16 misconduct involving Leonardo Diaz ("Decedent") or Plaintiffs, and Defendants
17 deny all liability for any damages (general, special, punitive, exemplary, or any
18 other damages), penalties, fees, interests, or costs of any kind, or for any relief of
19 any kind from any of the Defendants to Plaintiffs.

20 59. Answering paragraph 59 of the First Amended Complaint,
21 Defendants deny that Defendants or any of Defendants' peace officers engaged in
22 any unlawful acts or omissions or misconduct involving Leonardo Diaz
23 ("Decedent") or Plaintiffs, and Defendants deny all liability for any damages
24 (general, special, punitive, exemplary, or any other damages), penalties, fees,
25 interests, or costs of any kind, or for any relief of any kind from any of the
26 Defendants to Plaintiffs.

27 60. Answering paragraph 60 of the First Amended Complaint,
28 Defendants deny that Defendants or any of Defendants' peace officers engaged in

1 any unlawful acts or omissions or misconduct involving Leonardo Diaz
2 (“Decedent”) or Plaintiffs, and Defendants deny all liability for any damages
3 (general, special, punitive, exemplary, or any other damages), penalties, fees,
4 interests, or costs of any kind, or for any relief of any kind from any of the
5 Defendants to Plaintiffs.

6 **FOURTH CLAIM FOR RELIEF**

7 61. Answering paragraph 61 of the First Amended Complaint which
8 incorporates by reference the allegations of other paragraphs of the First
9 Amended Complaint, Defendants to the extent applicable, incorporates by
10 reference its respective admissions and denials to each such paragraph
11 enumerated above.

12 62. Answering paragraph 62 of the First Amended Complaint,
13 Defendants deny that Defendants or any of Defendants’ peace officers engaged in
14 any unlawful acts or omissions or misconduct involving Leonardo Diaz
15 (“Decedent”) or Plaintiffs, and Defendants deny all liability. As to all remaining
16 allegations in paragraph 62, Defendants deny the allegations.

17 63. Answering paragraph 63 of the First Amended Complaint,
18 Defendants deny that Defendants or any of Defendants’ peace officers engaged in
19 any unlawful acts or omissions or misconduct involving Leonardo Diaz
20 (“Decedent”) or Plaintiffs, and Defendants deny all liability for any damages
21 (general, special, punitive, exemplary, or any other damages), penalties, fees,
22 interests, or costs of any kind, or for any relief of any kind from any of the
23 Defendants to Plaintiffs.

24 64. Answering paragraph 64 of the First Amended Complaint,
25 Defendants deny that Defendants or any of Defendants’ peace officers engaged in
26 any unlawful acts or omissions or misconduct involving Leonardo Diaz
27 (“Decedent”) or Plaintiffs, and Defendants deny all liability for any damages
28 (general, special, punitive, exemplary, or any other damages), penalties, fees,

1 interests, or costs of any kind, or for any relief of any kind from any of the
2 Defendants to Plaintiffs.

3 65. Answering paragraph 65 of the First Amended Complaint,
4 Defendants deny that Defendants or any of Defendants' peace officers engaged in
5 any unlawful acts or omissions or misconduct involving Leonardo Diaz
6 ("Decedent") or Plaintiffs, and Defendants deny all liability for any damages
7 (general, special, punitive, exemplary, or any other damages), penalties, fees,
8 interests, or costs of any kind, or for any relief of any kind from any of the
9 Defendants to Plaintiffs.

10 66. Answering paragraph 66 of the First Amended Complaint,
11 Defendants deny that Defendants or any of Defendants' peace officers engaged in
12 any unlawful acts or omissions or misconduct involving Leonardo Diaz
13 ("Decedent") or Plaintiffs, and Defendants deny all liability for any damages
14 (general, special, punitive, exemplary, or any other damages), penalties, fees,
15 interests, or costs of any kind, or for any relief of any kind from any of the
16 Defendants to Plaintiffs.

FIFTH CLAIM FOR RELIEF

18 67. Answering paragraph 67 of the First Amended Complaint which
19 incorporates by reference the allegations of other paragraphs of the First
20 Amended Complaint, Defendants, to the extent applicable, incorporates by
21 reference its respective admissions and denials to each such paragraph
22 enumerated above.

23 68. Answering paragraph 68 of the First Amended Complaint,
24 Defendants deny that Defendants or any of Defendants' peace officers engaged in
25 any unlawful acts or omissions or misconduct involving Leonardo Diaz
26 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining
27 allegations in paragraph 68, Defendants deny the allegations.

28 ||| 69. Answering paragraph 69 of the First Amended Complaint,

1 Defendants deny that Defendants or any of Defendants' peace officers engaged in
2 any unlawful acts or omissions or misconduct involving Leonardo Diaz
3 ("Decedent") or Plaintiffs, and Defendants deny all liability for any damages
4 (general, special, punitive, exemplary, or any other damages), penalties, fees,
5 interests, or costs of any kind, or for any relief of any kind from any of the
6 Defendants to Plaintiffs.

7 70. Answering paragraph 70 of the First Amended Complaint,
8 Defendants deny that Defendants or any of Defendants' peace officers engaged in
9 any unlawful acts or omissions or misconduct involving Leonardo Diaz
10 ("Decedent") or Plaintiffs, and Defendants deny all liability for any damages
11 (general, special, punitive, exemplary, or any other damages), penalties, fees,
12 interests, or costs of any kind, or for any relief of any kind from any of the
13 Defendants to Plaintiffs.

14 71. Answering paragraph 71 of the First Amended Complaint,
15 Defendants deny that Defendants or any of Defendants' peace officers engaged in
16 any unlawful acts or omissions or misconduct involving Leonardo Diaz
17 ("Decedent") or Plaintiffs, and Defendants deny all liability for any damages
18 (general, special, punitive, exemplary, or any other damages), penalties, fees,
19 interests, or costs of any kind, or for any relief of any kind from any of the
20 Defendants to Plaintiffs.

SIXTH CLAIM FOR RELIEF

22 72. Answering paragraph 72 of the First Amended Complaint which
23 incorporates by reference the allegations of other paragraphs of the First
24 Amended Complaint, Defendants, to the extent applicable, incorporates by
25 reference its respective admissions and denials to each such paragraph
26 enumerated above.

27 73. Answering paragraph 73 of the First Amended Complaint,
28 Defendants deny that Defendants or any of Defendants' peace officers engaged in

any unlawful acts or omissions or misconduct involving Leonardo Diaz (“Decedent”) or Plaintiffs, and Defendants deny all liability. As to all remaining allegations in paragraph 73, Defendants lack sufficient information and belief upon which to answer the allegations contained therein, and on that basis deny the allegations.

74. Answering paragraph 74 of the First Amended Complaint, Defendants deny that Defendants or any of Defendants’ peace officers engaged in any unlawful acts or omissions or misconduct involving Leonardo Diaz (“Decedent”) or Plaintiffs, and Defendants deny all liability. As to all remaining allegations in paragraph 74, Defendants lack sufficient information and belief upon which to answer the allegations contained therein, and on that basis deny the allegations.

75. Answering paragraph 75 of the First Amended Complaint, Defendants deny that Defendants or any of Defendants’ peace officers engaged in any unlawful acts or omissions or misconduct involving Leonardo Diaz (“Decedent”) or Plaintiffs, and Defendants deny all liability. As to all remaining allegations in paragraph 75, Defendants deny the allegations.

76. Answering paragraph 76 of the First Amended Complaint, Defendants deny that Defendants or any of Defendants’ peace officers engaged in any unlawful acts or omissions or misconduct involving Leonardo Diaz (“Decedent”) or Plaintiffs, and Defendants deny all liability. As to all remaining allegations in paragraph 76, Defendants deny the allegations.

77. Answering paragraph 77 of the First Amended Complaint, Defendants deny that Defendants or any of Defendants’ peace officers engaged in any unlawful acts or omissions or misconduct involving Leonardo Diaz (“Decedent”) or Plaintiffs, and Defendants deny all liability. As to all remaining allegations in paragraph 77, Defendants deny the allegations.

78. Answering paragraph 78 of the First Amended Complaint,

1 Defendants deny that Defendants or any of Defendants' peace officers engaged in
2 any unlawful acts or omissions or misconduct involving Leonardo Diaz
3 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining
4 allegations in paragraph 78, Defendants deny the allegations.

5 79. Answering paragraph 79 of the First Amended Complaint,
6 Defendants deny that Defendants or any of Defendants' peace officers engaged in
7 any unlawful acts or omissions or misconduct involving Leonardo Diaz
8 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining
9 allegations in paragraph 79, Defendants deny the allegations.

10 80. Answering paragraph 80 of the First Amended Complaint,
11 Defendants deny that Defendants or any of Defendants' peace officers engaged in
12 any unlawful acts or omissions or misconduct involving Leonardo Diaz
13 ("Decedent") or Plaintiffs, and Defendants deny all liability for any damages
14 (general, special, punitive, exemplary, or any other damages), penalties, fees,
15 interests, or costs of any kind, or for any relief of any kind from any of the
16 Defendants to Plaintiffs.

17 81. Answering paragraph 81 of the First Amended Complaint,
18 Defendants deny that Defendants or any of Defendants' peace officers engaged in
19 any unlawful acts or omissions or misconduct involving Leonardo Diaz
20 ("Decedent") or Plaintiffs, and Defendants deny all liability for any damages
21 (general, special, punitive, exemplary, or any other damages), penalties, fees,
22 interests, or costs of any kind, or for any relief of any kind from any of the
23 Defendants to Plaintiffs.

24 82. Answering paragraph 82 of the First Amended Complaint,
25 Defendants deny that Defendants or any of Defendants' peace officers engaged in
26 any unlawful acts or omissions or misconduct involving Leonardo Diaz
27 ("Decedent") or Plaintiffs, and Defendants deny all liability for any damages
28 (general, special, punitive, exemplary, or any other damages), penalties, fees,

1 interests, or costs of any kind, or for any relief of any kind from any of the
2 Defendants to Plaintiffs.

3 83. Answering paragraph 83 of the First Amended Complaint,
4 Defendants deny that Defendants or any of Defendants' peace officers engaged in
5 any unlawful acts or omissions or misconduct involving Leonardo Diaz
6 ("Decedent") or Plaintiffs, and Defendants deny all liability for any damages
7 (general, special, punitive, exemplary, or any other damages), penalties, fees,
8 interests, or costs of any kind, or for any relief of any kind from any of the
9 Defendants to Plaintiffs.

10 84. Answering paragraph 84 of the First Amended Complaint,
11 Defendants deny that Defendants or any of Defendants' peace officers engaged in
12 any unlawful acts or omissions or misconduct involving Leonardo Diaz
13 ("Decedent") or Plaintiffs, and Defendants deny all liability. As to all remaining
14 allegations in paragraph 84, Defendants lack sufficient information and belief
15 upon which to answer the allegations contained therein, and on that basis deny
16 the allegations.

17 85. Answering paragraph 85 of the First Amended Complaint,
18 Defendants deny that Defendants or any of Defendants' peace officers engaged in
19 any unlawful acts or omissions or misconduct involving Leonardo Diaz
20 ("Decedent") or Plaintiffs, and Defendants deny all liability for any damages
21 (general, special, punitive, exemplary, or any other damages), penalties, fees,
22 interests, or costs of any kind, or for any relief of any kind from any of the
23 Defendants to Plaintiffs.

PRAYER FOR RELIEF

25 86. Answering Plaintiffs' Prayer for Relief, Defendants deny all liability
26 for any damages (general, special, punitive, exemplary, or any other damages),
27 penalties, fees, interests, or costs of any kind, or for any relief of any kind from
28 any of the Defendants to Plaintiffs.

1 **AFFIRMATIVE DEFENSES**

2 **FIRST AFFIRMATIVE DEFENSE**

3 **(Failure to State a Claim for Relief)**

4 Defendants allege that neither the First Amended Complaint, nor any claim
5 for relief asserted therein, assert facts sufficient to constitute a claim against
6 Defendants.

7 **SECOND AFFIRMATIVE DEFENSE**

8 **(Assumption of Risk)**

9 Defendants allege the Decedent voluntarily assumed all risks,
10 responsibility and liability for the alleged injuries or damages, if any, sustained
11 by Plaintiffs.

12 **THIRD AFFIRMATIVE DEFENSE**

13 **(Claims Barred by Govt. Code § 820.2)**

14 Defendants allege that each and every state law claim for relief contained
15 in Plaintiffs' First Amended Complaint is barred by the provisions of Government
16 Code section 820.2. Specifically, except as otherwise provided by statute, a public
17 employee is not liable for an injury resulting from his act or omission where the
18 act or omission was the result of the exercise of the discretion vested in him,
19 whether or not such discretion be abused.

20 **FOURTH AFFIRMATIVE DEFENSE**

21 **(Claims Barred by Govt. Code § 820.4)**

22 Defendants allege that each and every state law claim for relief contained
23 in Plaintiffs' First Amended Complaint is barred by the provisions of Government
24 Code section 820.4. Specifically, a public employee is not liable for his act or
25 omission, exercising due care, in the execution or enforcement any law.

26 **FIFTH AFFIRMATIVE DEFENSE**

27 **(Claims Barred by Govt. Code § 820.8)**

28 Defendants allege that each and every state law claim for relief contained

1 in Plaintiffs' First Amended Complaint is barred by the provisions of Government
2 Code section 820.8. Specifically, except as otherwise provided by statute, a public
3 employee is not liable for an injury caused by the act or omission of another
4 person.

5 **SIXTH AFFIRMATIVE DEFENSE**

6 **(Claims Barred by Govt. Code § 845)**

7 Defendants allege that each and every state law claim for relief contained
8 in Plaintiffs' First Amended Complaint is barred by the provisions of Government
9 Code section 845. Specifically, neither a public entity nor a public employee is
10 liable for failure to establish a police department or otherwise to provide police
11 protection service or, if police protection service is provided, for failure to provide
12 sufficient police protection service.

13 **SEVENTH AFFIRMATIVE DEFENSE**

14 **(Claims Barred by Govt. Code § 845.8)**

15 Defendants allege that each and every state-law claim for relief contained
16 in Plaintiffs' First Amended Complaint is barred by the provision of Government
17 Code section 845.8. Specifically, neither a public entity, nor a public employee is
18 liable for any injury caused by (1) an escaping or escaped prisoner; (2) an escaping
19 or escaped arrested person; or (3) a person resisting arrest.

20 **EIGHTH AFFIRMATIVE DEFENSE**

21 **(Claims Barred by Govt. Code § 845.6)**

22 Defendants allege that each and every state-law claim for relief contained
23 in Plaintiffs' First Amended Complaint is barred by the provision of Government
24 Code section 845.6. Specifically, neither a public entity, nor a public employee is
25 liable for any injury proximately caused by the failure of the employee to furnish
26 or obtain medical care for a prisoner in his custody.

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NINTH AFFIRMATIVE DEFENSE
(Claims Barred by Govt. Code § 855.6)

3 Defendants allege that each and every state-law claim for relief contained
4 in Plaintiffs' First Amended Complaint is barred by the provision of Government
5 Code section 855.6. Specifically, neither a public entity, nor a public employee is
6 liable for any injury proximately caused by the failure to make a physical or
7 mental examination, or to make an adequate physical or mental examination, of
8 any person for the purpose of determining whether such person has a disease or
9 physical or mental condition that would constitute a hazard to the health or safety
10 of himself or others.

TENTH AFFIRMATIVE DEFENSE
(Claims Barred by Govt. Code § 856.4)

13 Defendants allege that each and every state-law claim for relief contained
14 in Plaintiffs' First Amended Complaint is barred by the provision of Government
15 Code section 856.4. Specifically, neither a public entity, nor a public employee is
16 liable for any injury resulting from the failure to admit a person to a public
17 medical facility.

ELEVENTH AFFIRMATIVE DEFENSE
(Failure to Mitigate Damages)

20 Defendants allege that though under a duty to do so, Plaintiffs and/or the
21 Decedent have failed and neglected to mitigate the alleged damages, and
22 therefore cannot recover against Defendants whether as alleged, or otherwise.
23 Defendants allege that Plaintiffs and/or the Decedent failed to exercise a duty to
24 mitigate and limit the damage claim as to Defendant, which acts and omissions
25 by Plaintiffs and/or the Decedent have estopped Plaintiffs and/or the Decedent
26 from asserting any claim for damages or seeking the relief requested against
27 Defendants.

28 //

1 **TWELFTH AFFIRMATIVE DEFENSE**
2 **(EstoppeL)**

3 Defendants allege that each and every claim for relief contained in
4 Plaintiffs' First Amended Complaint is barred by the equitable doctrine of
5 estoppel.

6 **THIRTEENTH AFFIRMATIVE DEFENSE**
7 **(Unclean Hands)**

8 Defendants allege that each and every claim for relief contained in
9 Plaintiffs' First Amended Complaint is barred by the equitable doctrine of unclean
10 hands.

11 **FOURTEENTH AFFIRMATIVE DEFENSE**
12 **(Lawful Conduct)**

13 Defendants allege that its conduct and the conduct of Defendants' peace
14 officers was, at all times, reasonable and lawful under the circumstances.

15 **FIFTEENTH AFFIRMATIVE DEFENSE**
16 **(Privilege)**

17 Defendants allege that its conduct and the conduct of Defendants' peace
18 officers was, at all times, justified and privileged.

19 **SIXTEENTH AFFIRMATIVE DEFENSE**
20 **(Acts or Omissions of Plaintiff)**

21 Defendants allege that, to the extent Plaintiffs suffered any damages, which
22 Defendants deny, they were caused solely by the actions or omissions of the
23 Decedent.

24 **SEVENTEENTH AFFIRMATIVE DEFENSE**
25 **(Legal and/or Proximate Cause)**

26 Defendants allege that its acts were not the legal and/or proximate cause of
27 any of the damages alleged by Plaintiffs.

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1 **EIGHTEENTH AFFIRMATIVE DEFENSE**

2 **(Comparative Negligence)**

3 Defendants allege that each and every claim for relief stated in Plaintiffs'
4 First Amended Complaint is barred and/or subject to offset and reduction by
5 virtue of the comparative negligence of the Decedent and/or others persons.

6 **NINETEENTH AFFIRMATIVE DEFENSE**

7 **(Apportionment)**

8 Defendants allege that, if Plaintiffs suffered or sustained any loss or
9 damage as alleged in the First Amended Complaint, such loss or damage was
10 proximately caused and contributed to by persons or entities other than
11 Defendants. The liability of all defendants, named or unnamed, should be
12 apportioned according to the relative degrees of fault, and the liability of
13 Defendants should be reduced accordingly.

14 **TWENTIETH AFFIRMATIVE DEFENSE**

15 **(Offset)**

16 Defendants allege that any amount for which it is held liable and owing to
17 Plaintiffs is offset by any and all amounts recovered by Plaintiffs from any other
18 responsible parties, such that Defendants' liability will be reduced in an amount
19 corresponding to those amounts recovered by Plaintiffs from such other
20 responsible parties.

21 **TWENTY-FIRST AFFIRMATIVE DEFENSE**

22 **(Waiver)**

23 Defendants allege that Plaintiffs and/or the Decedent have engaged in
24 conduct and activities sufficient to constitute a waiver of any alleged duty, act or
25 omission of any nature by Defendants, which waiver serves to preclude any
26 recovery here sought by Plaintiffs.

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1 **TWENTY-SECOND AFFIRMATIVE DEFENSE**

2 **(No Special Relationship)**

3 Defendants allege that there was no special relationship between
4 Defendants and the Decedent. See *C.A. v. William S. Hart Union High School*
5 *Dist.*, 53 Cal. 4th 861, 877 (Cal. 2012); see also *de Villers v. County of San Diego*,
6 156 Cal. App. 4th 238, 249-50 (2007).

7 **TWENTY-THIRD AFFIRMATIVE DEFENSE**

8 **(Claims Barred Due to Exercise of Reasonable Force)**

9 Defendants allege that each and every claim for relief contained in
10 Plaintiffs' First Amended Complaint is barred because, the force used was
11 reasonable under the circumstances.

12 **TWENTY-FOURTH AFFIRMATIVE DEFENSE**

13 **(Probable Cause of Threat)**

14 Defendants allege that each and every claim for relief contained in
15 Plaintiffs' First Amended Complaint is barred because Defendants and
16 Defendants' peace officers had probable cause to believe that the Decedent posed
17 a threat of serious physical harm to Defendants, Defendants' peace officers, or
18 others.

19 **TWENTY-FIFTH AFFIRMATIVE DEFENSE**

20 **(Avoidable Consequences)**

21 Defendants allege that the damages asserted by Plaintiffs in the First
22 Amended Complaint are barred, either in whole or in part, by the doctrine of
23 avoidable consequences. *State Department of Health Services v. Superior Court*,
24 31 Cal.4th 1026, 6 Cal. Rptr. 3d 441 (2003).

25 **TWENTY-SIXTH AFFIRMATIVE DEFENSE**

26 **(Claims Barred Due to Reasonable and Probable Cause to Detain)**

27 Defendants allege that each and every claim for relief contained in
28 Plaintiffs' First Amended Complaint is barred because, at all times mentioned in

1 Plaintiffs' First Amended Complaint herein, Defendants and Defendants' peace
2 officer's had reasonable and probable cause to detain and restrain the Decedent.

3 **TWENTY-SEVENTH AFFIRMATIVE DEFENSE**

4 **(Speculative Damages)**

5 Defendants allege that Plaintiffs' claims for damages are barred, either in
6 whole or in part, because Plaintiffs' purported damages are remote, speculative
7 and/or unavailable as a matter of law.

8 **TWENTY-EIGHTH AFFIRMATIVE DEFENSE**

9 **(Qualified Immunity)**

10 Defendants allege that each and every federal claim for relief contained in
11 the First Amended Complaint is barred because Defendants allege that
12 Defendants' peace officers are entitled to qualified immunity.

13 **TWENTY-NINTH AFFIRMATIVE DEFENSE**

14 **(Constitutional Rights)**

15 Defendants allege that Defendant is immune from liability as Plaintiffs and
16 Decedent have not been deprived of any rights, privileges, or immunities
17 guaranteed by the Constitution or laws of the United States or by the Constitution
18 or laws of the State of California.

19 **THIRTIETH AFFIRMATIVE DEFENSE**

20 **(Failure to Join an Indispensable Party)**

21 Defendants allege that Plaintiffs' claims are barred, either in whole or in
22 part, because Plaintiffs failed to join an indispensable party under Federal Rule
23 of Civil Procedure 19.

24 **THIRTY-FIRST AFFIRMATIVE DEFENSE**

25 **(Reservation of Additional Affirmative Defenses)**

26 Defendants allege that they are without sufficient information as to the
27 nature and scope of Plaintiffs' claims for relief to be able to be fully assess and set
28 forth all potentially-applicable affirmative defenses in this matter. Accordingly,

1 Defendants hereby reserves the right to allege additional affirmative defenses as
2 further information becomes known.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Defendants pray as follows:

5 1. That the First Amended Complaint be dismissed in its entirety with
6 prejudice;

7 2. That Plaintiffs take nothing by reason of their First Amended
8 Complaint, and that judgment be entered in favor of Defendants;

9 3. That Defendants be awarded costs of suit and attorney's fees incurred
10 in defense of this action pursuant to 42 U.S.C. § 1988 and other legal grounds;
11 and

12 4. For such other and further relief as the Court deems just and proper.

13 Dated: October 29, 2025

JONES MAYER

15 By: /s/ Thurgood M. Wynn

16 Angela M. Powell
17 Thurgood M. Wynn
18 Attorney for Defendants,
19 CITY OF TORRANCE, , OFFICER
ARTURO CASTILLO, OFFICER
CODY WISSLER, OFFICER JESUS
GARCIA and OFFICER JASON
BERMUDEZ

DEMAND FOR JURY TRIAL

Defendants CITY OF TORRANCE, OFFICER ARTURO CASTILLO, OFFICER CODY WISSLER, OFFICER JESUS GARCIA and OFFICER JASON BERMUDEZ hereby demand a trial by jury as to all causes of action.

Dated: October 29, 2025 JONES MAYER

JONES MAYER

By: /s/ *Thurgood M. Wynn*

Angela M. Powell
Thurgood M. Wynn
Attorney for Defendants,
CITY OF TORRANCE, OFFICER
ARTURO CASTILLO, OFFICER
CODY WISSLER, OFFICER JESUS
GARCIA and OFFICER JASON
BERMUDEZ